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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

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10 TOMMY LEE CROW JR,

11 Petitioner,

12 v.

13 RON HAYES,

14 Respondent.

15 CASE NO. 3:16-CV-05277-RJB-JRC

16 ORDER LIFTING STAY AND ORDER
17 FOR SERVICE AND ANSWER,
18 § 2254 PETITION

19 This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner is currently
20 incarcerated at the **Clallam Bay Corrections Center** and is subject to the Court's Mandatory
21 Electronic E-Filing Pilot Project pursuant to General Orders 02-15 and 06-16.

22 By Order dated September 9, 2016, this habeas proceeding was stayed pending resolution
23 of petitioner's state court proceedings. Dkt. 20. The stay expired on December 9, 2016. *See id.*
24 The Court, having reviewed petitioner's amended federal habeas petition (Dkt. 10), hereby finds
25 and ORDERS as follows:

26 (1) The stay of this matter is lifted. If petitioner seeks an additional stay of this
27 matter, he may file a motion to stay within seven (7) days of respondent's appearance in
28 this case.

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1 (2) The Clerk shall arrange for service by e-mail upon respondent and upon the
2 Attorney General of the State of Washington, of copies of the petition, of all documents in
3 support thereof, and of this Order. The Clerk shall also direct a copy of this Order and of the
4 Court's *pro se* instruction sheet to petitioner.

5 (3) Within *forty-five (45) days* after such service, respondent(s) shall file and serve an
6 answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States
7 District Courts. As part of such answer, respondent(s) shall state whether petitioner has
8 exhausted available state remedies and whether an evidentiary hearing is necessary.
9 Respondent(s) shall not file a dispositive motion in place of an answer without first showing
10 cause as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of
11 the Court and serve a copy of the answer on petitioner.

12 (4) The answer will be treated in accordance with LCR 7. Accordingly, on the face
13 of the answer, respondent(s) shall note it for consideration on the fourth Friday after filing.
14 Petitioner may file and serve a response not later than the Monday immediately preceding the
15 Friday designated for consideration of the matter, and respondent(s) may file and serve a reply
16 not later than the Friday designated for consideration of the matter.

17 (5) Filing by Parties, Generally

18 All attorneys admitted to practice before this Court are required to file documents
19 electronically via the Court's CM/ECF system. All non-attorneys, such as *pro se* parties and/or
20 prisoners, may continue to file a paper original with the Clerk. All filings, whether filed
21 electronically or in traditional paper format, must indicate in the upper right hand corner the
22 name of the magistrate judge to whom the document is directed.

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For any party filing electronically, when the total of all pages of a filing exceeds fifty (50) pages in length, a paper copy of the document (with tabs or other organizing aids as necessary) shall be delivered to the Clerk's Office for chambers. The chambers copy must be clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers."

5 Any document filed with the Court must be accompanied by proof that it has been served
6 upon all parties that have entered a notice of appearance in the underlying matter.

7 || (6) Motions

8 Any request for court action shall be set forth in a motion, properly filed and served.

9 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a
10 part of the motion itself and not in a separate document. The motion shall include in its caption
11 (immediately below the title of the motion) a designation of the date the motion is to be noted for
12 consideration on the Court's motion calendar.

13 || (7) Direct Communications with District Judge or Magistrate Judge

No direct communication is to take place with the District Judge or Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk.

Dated this 29th day of December, 2016.

J. H. Ward (realtime)

J. Richard Creatura
United States Magistrate Judge

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